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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/625,516 | 07/24/2003 | Bing-Yue Tsui | BHT-3230-63 | 9031 |

7590 06/02/2004
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| | |
|-----------------|--------------|
| EXAMINER | |
| THOMPSON, CRAIG | |
| ART UNIT | PAPER NUMBER |
| 2813 | |

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,516

Applicant(s)

TSUI ET AL.

Examiner

Craig A. Thompson

Art Unit

2813

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement:

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Identical Claims in Pre-grant publication

The examiner notes that identical claims of claims 1-7 are presented as claims 11-17 of publication US 2003/0189226 (application no. 10/114,933). Because these claims were restricted and cancelled in that application, a double patenting rejection has not been applied. Because the inventive entity is identical to those of the current invention, this publication does not qualify as prior art for determining patentability.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

The examiner notes that the first two pages of the specification of the current invention list nine non-patent literature references (listed as "references cited"). There is not an IDS in the application and these references are not readily available to the examiner. Accordingly, the specification must either be amended, or a proper submission of an IDS and those references should be provided.

Allowable Subject Matter

Claims 1-7 are allowed. The following is an examiner's statement of reasons for allowance: prior art of record does not describe or suggest applicants' invention set forth in claims 1-7, a method for fabricating (a) MOSFET, modifying (the) Schottky barrier, and diminishing Carrier Injection Resistance wherein a silicon on insulator device is provided, a MOS is formed on the SOI device, a metal layer is formed on the SOI device and the MOS, and the silicon layer is reacted to form a metal silicide layer by a metal self-aligned process, in the context of the recited process. The examiner notes that while process steps (such as the use of a metal self-aligned process) are often not given patentable weight in a device (or product-by-process) claim, they are properly afforded patentable weight in a straightforward process claim, such as those of the current invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Cited Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Xiang (US Patent No. 6,440,806) teaches a method for producing metal-containing semiconductor compound regions (abstract and title) including a metal silicide layer and ion implantation (figure 5, 120 and columns 2-3).

Art Unit: 2813

Streetman (text, pages 351 and 352) teaches an SOI device with an substrate (Si) and insulation layer (SiO₂) and a silicon layer on top.

Conclusion

This application is in condition for allowance except for the following formal matters:

The listing of references cited in the specification is not proper because those references are not of record and have not been considered.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

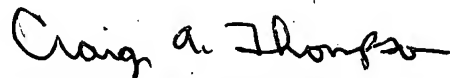
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig A. Thompson whose telephone number is (571)272-1699. The examiner can normally be reached on Monday-Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead, Jr. can be reached on (571)272-1702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2813

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

31 May 2004



CRAIG A. THOMPSON
PRIMARY EXAMINER